

# JOURNAL OF THE SENATE

## NINETY-FIRST SESSION

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TWENTIETH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Thursday, February 11, 2016

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Ron Garry, followed by the Pledge of Allegiance led by Senate page Jessica Johnson.

Roll Call: All members present except Sens. Curd, Holien, and Buhl O'Donnell who were excused.

### APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the nineteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Gary Cammack, Chair

Which motion prevailed.

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Respectfully submitted,  
Gary Cammack, Chair

1 Also MR. PRESIDENT:

2 The Committee on Education respectfully reports that it has had under consideration  
3 HB 1008 and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,  
5 Deb Soholt, Chair

6 **MESSAGES FROM THE HOUSE**

7 MR. PRESIDENT:

8 I have the honor to inform your honorable body that the House has concurred in Senate  
9 amendments to HCR 1005.

10 Also MR. PRESIDENT:

11 I have the honor to transmit herewith HCR 1012 which has been adopted by the House and  
12 your concurrence is respectfully requested.

13 Also MR. PRESIDENT:

14 I have the honor to return herewith SB 10, 11, 14, 18, and 68 which have passed the House  
15 without change.

16 Also MR. PRESIDENT:

17 I have the honor to transmit herewith HB 1064, 1108, 1117, 1135, 1136, 1157, 1187, 1188,  
18 1207, and 1208 which have passed the House and your favorable consideration is respectfully  
19 requested.

20 Respectfully,  
21 Arlene Kvislen, Chief Clerk

22 **MOTIONS AND RESOLUTIONS**

23 Sen. Brown moved that HCR 1011 be deferred to Tuesday, February 16<sup>th</sup>, the 21<sup>st</sup>  
24 legislative day.

25 Which motion prevailed.

1 HCR 1012: A CONCURRENT RESOLUTION, Requesting the South Dakota  
2 congressional delegation to introduce legislation to compensate private landowners for fire  
3 damage caused by the United States Forest Service.

4 Was read the first time, the President waived the referral to committee, and placed HCR  
5 1012 on the calendar of Tuesday, February 16<sup>th</sup>, the 21<sup>st</sup> legislative day.

## 6 FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

7 HB 1064: FOR AN ACT ENTITLED, An Act to apply certain penalties regarding  
8 damages, tampering, and malicious acts to certain railroads that carry passengers.

9 Was read the first time and referred to the Committee on Judiciary.

10 HB 1108: FOR AN ACT ENTITLED, An Act to revise certain municipal special  
11 assessment provisions and to provide for exclusion of territory from municipalities.

12 Was read the first time and referred to the Committee on Local Government.

13 HB 1117: FOR AN ACT ENTITLED, An Act to repeal certain provisions concerning the  
14 authorization for the use of other languages in public records or public meetings.

15 Was read the first time and referred to the Committee on Local Government.

16 HB 1135: FOR AN ACT ENTITLED, An Act to establish venue for certain actions arising  
17 out of real property lease agreements.

18 Was read the first time and referred to the Committee on Judiciary.

19 HB 1136: FOR AN ACT ENTITLED, An Act to eliminate the Council on Higher  
20 Education Policy Goals, Performance, and Accountability and to transfer its functions to the  
21 Legislative Planning Committee.

22 Was read the first time and referred to the Committee on Education.

23 HB 1157: FOR AN ACT ENTITLED, An Act to require that a doctor provide a woman  
24 additional information as a part of informed consent prior to performing an abortion.

25 Was read the first time and referred to the Committee on Health and Human Services.

1 HB 1187: FOR AN ACT ENTITLED, An Act to allow the Office of the Secretary of State  
2 to refuse to file certain documents.

3 Was read the first time and referred to the Committee on Commerce and Energy.

4 HB 1188: FOR AN ACT ENTITLED, An Act to exempt certain operations of school buses  
5 from commercial motor vehicle fees.

6 Was read the first time and referred to the Committee on Transportation.

7 HB 1207: FOR AN ACT ENTITLED, An Act to authorize the sale of certain surplus real  
8 estate at the Human Services Center and to provide for the deposit of the proceeds.

9 Was read the first time and referred to the Senate Committee on Appropriations.

10 HB 1208: FOR AN ACT ENTITLED, An Act to provide for the sale of certain surplus real  
11 estate at the South Dakota Developmental Center and to provide for the deposit of the proceeds.

12 Was read the first time and referred to the Senate Committee on Appropriations.

13 **SECOND READING OF CONSENT CALENDAR ITEMS**

14 HB 1113: FOR AN ACT ENTITLED, An Act to exempt from the excise tax on motor  
15 vehicles the transfer of motor vehicles to a nonprofit organization under certain conditions.

16 Was read the second time.

17 The question being "Shall HB 1113 pass as amended?"

18 And the roll being called:

19 Yeas 31, Nays 0, Excused 4, Absent 0

20 Yeas:

21 Bradford; Brown; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock); Haggard (Jenna);  
22 Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Monroe; Novstrup  
23 (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rusch;  
24 Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; White

25 Excused:

26 Buhl O'Donnell; Curd; Holien; Van Gerpen

1       So the bill having received an affirmative vote of a majority of the members-elect, the  
2       President declared the bill passed and the title was agreed to.

3       HB 1087: FOR AN ACT ENTITLED, An Act to repeal the requirement of a certain public  
4       election notice.

5       Was read the second time.

6       The question being "Shall HB 1087 pass?"

7       And the roll being called:

8       Yeas 31, Nays 0, Excused 4, Absent 0

9       Yeas:

10      Bradford; Brown; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock); Haggard (Jenna);  
11      Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Monroe; Novstrup  
12      (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rusch;  
13      Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; White

14      Excused:

15      Buhl O'Donnell; Curd; Holien; Van Gerpen

16      So the bill having received an affirmative vote of a majority of the members-elect, the  
17      President declared the bill passed and the title was agreed to.

18      HB 1089: FOR AN ACT ENTITLED, An Act to revise provisions for accumulation of  
19      funds for certain municipal enterprises.

20      Was read the second time.

21      The question being "Shall HB 1089 pass?"

22      And the roll being called:

23      Yeas 31, Nays 0, Excused 4, Absent 0

24      Yeas:

25      Bradford; Brown; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock); Haggard (Jenna);  
26      Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Monroe; Novstrup  
27      (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rusch;  
28      Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; White

29      Excused:

30      Buhl O'Donnell; Curd; Holien; Van Gerpen

1 So the bill having received an affirmative vote of a majority of the members-elect, the  
2 President declared the bill passed and the title was agreed to.

3 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

4 SB 120: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain  
5 family physicians, dentists, physician assistants, and nurse practitioners who have complied with  
6 the requirements of the recruitment assistance program and to declare an emergency.

7 Was read the second time.

8 The question being "Shall SB 120 pass as amended?"

9 And the roll being called:

10 Yeas 32, Nays 0, Excused 3, Absent 0

11 Yeas:

12 Bradford; Brown; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock); Haggar (Jenna);  
13 Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Monroe; Novstrup  
14 (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rusch;  
15 Shorma; Sohlt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

16 Excused:

17 Buhl O'Donnell; Curd; Holien

18 So the bill having received an affirmative vote of a two-thirds majority of the  
19 members-elect, the President declared the bill passed and the title was agreed to.

20 Sen. Brown moved that SB 159 and 107 and HB 1098 be deferred to  
21 Tuesday, February 16<sup>th</sup>, the 21<sup>st</sup> legislative day.

22 Which motion prevailed.

23 **SIGNING OF BILLS**

24 The President publicly read the title to

25 SB 10: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract  
26 for the renovation and construction of an addition to Harding Hall on the campus of South  
27 Dakota State University and to make an appropriation therefor.

1 SB 11: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase  
2 land from the Dakota State University Foundation for the use and benefit of Dakota State  
3 University in Madison, to make an appropriation therefor, and to declare an emergency.

4 SB 14: FOR AN ACT ENTITLED, An Act to revise certain administrative provisions and  
5 repeal certain obsolete provisions concerning the South Dakota Retirement System.

6 SB 18: FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated  
7 natural resources conservation fund to the State Conservation Commission and to declare an  
8 emergency.

9 SB 20: FOR AN ACT ENTITLED, An Act to revise certain provisions related to  
10 behavioral health.

11 SB 68: FOR AN ACT ENTITLED, An Act to make appropriations from the water and  
12 environment fund and its revolving fund subfunds for various water and environmental  
13 purposes, to revise solid waste management program recycling provisions, to revise water and  
14 environment fund loan terms, and to declare an emergency.

15 HB 1025: FOR AN ACT ENTITLED, An Act to place certain substances on the controlled  
16 substances schedule and to declare an emergency.

17 HB 1027: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
18 licensure of massage therapists.

19 HB 1033: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning  
20 elections and election petitions and to declare an emergency.

21 HB 1039: FOR AN ACT ENTITLED, An Act to revise various trust and trust company  
22 provisions and to establish and regulate South Dakota special spousal trusts.

23 HB 1056: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the  
24 veterans' preference in employment.

25 HB 1063: FOR AN ACT ENTITLED, An Act to revise provisions regarding required  
26 notice of relocation of a minor child when a protection order is in place.

27 HB 1066: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
28 public notice for a meeting of a public body.

29 HB 1100: FOR AN ACT ENTITLED, An Act to set a minimum size for a sign about  
30 zoning changes or conditional use permits.

31 HB 1101: FOR AN ACT ENTITLED, An Act to authorize municipalities to create  
32 programs to encourage housing development.

33 HB 1103: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
34 qualification process for municipal office.



And signed the same in the presence of the Senate.

## COMMEMORATIONS

SC 11 Introduced by: Senators Heinert, Bradford, Brown, Buhl O'Donnell, Cammack, Ewing, Fiegen, Frerichs, Hagggar (Jenna), Haverly, Heineman (Phyllis), Holien, Hunhoff (Bernie), Jensen (Phil), Monroe, Novstrup (David), Olson, Otten (Ernie), Parsley, Peterson (Jim), Rampelberg, Shorma, Solano, Sutton, Tidemann, and White and Representatives Schaefer, Anderson, Bartling, Beal, Bordeaux, Brunner, Campbell, Craig, Deutsch, DiSanto, Duvall, Feickert, Gibson, Greenfield (Lana), Harrison, Hawks, Heinemann (Leslie), Holmes, Hunhoff (Jean), Johns, Killer, Kirschman, Klumb, Latterell, Marty, May, McCleerey, Novstrup (Al), Otten (Herman), Partridge, Peterson (Kent), Rasmussen, Ring, Rozum, Schoenfish, Schrempp, Soli, Stalzer, Steinhauer, Tulson, Wiik, and Zikmund

A LEGISLATIVE COMMEMORATION, Recognizing and honoring the courage of South Dakota Highway Patrol Sergeant John Koenig.

WHEREAS, Sergeant Koenig has been a Highway Patrol trooper for over twenty-eight years and is currently stationed in Chamberlain; and

WHEREAS, on January 7, 2015, Sergeant Koenig was shot and suffered serious but non-life threatening injuries when responding to a call at a home in Kimball, South Dakota; and

WHEREAS, Sergeant Koenig was hospitalized for several days and spent several weeks recovering at home; and

WHEREAS, Sergeant Koenig returned to active duty on March 30, 2015; and

WHEREAS, Sergeant Koenig continues to be a dedicated Highway Patrol trooper, intent on protecting the public; and

WHEREAS, Sergeant Koenig's demonstration of bravery is an inspiration to others:

NOW, THEREFORE, BE IT COMMEMORATED, by the Ninety-First Legislature of the State of South Dakota, that the Legislature commends Highway Patrol Sergeant John Koenig for his service and continued commitment to the people of South Dakota and his fellow officers.

Sen. Soholt moved that the Senate do now adjourn, which motion prevailed and at 1:28 p.m. the Senate adjourned.

Kay Johnson, Secretary

